

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.111, and in light of the remarks which follow, are respectfully requested.

Initially, Applicants affirm their election, without traverse, of Group I, claims 1-12, in a telephonic conference on February 13, 2006 between Applicant's Representative George F. Lesmes and Examiner Rodee.

Claim 1 has been amended to include the features of claims 4, 5 and 7. Claims 2 and 5 have been amended for clarification purposes. The amendment to claim 5, line 3 finds support in paragraph [0046] on page 13 of the specification. Claims 4 and 7 and non-elected claims 13-20 have been canceled without prejudice or disclaimer.

New claims 21-26 have been added. Support for claim 21 may be found in paragraph [0045]. Support for claims 22-24 may be found in original claims 6, 10 and 11; support for claim 25 may be found on page 9, line 2 of the specification; support for claim 26 may be found in paragraph [0033] on page 9.

Claims 1-3, 5, 6, 8-12 and 21-26 are now pending in this application.

Claims 1-12 were objected to for the reasons set forth on page 3 of the Office Action. Withdrawal of this rejection is respectfully requested in view of the above amendments.

Claims 1-4 and 6-9 were rejected under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over U.S. Published Patent Application No. 2002/0160289 (Teshima et al) for the reasons set forth on page 4 of the Office Action. Also, claims 10-12 were rejected under 35 U.S.C. §103(a) as unpatentable over Teshima et al. '289 for the reasons given on pages 5-6 of the Office Action. Reconsideration and withdrawal of these rejections are requested for at least the following reasons.

Claim 5 was not rejected on this ground. Independent claim 1 now specifies that the toner includes resin microparticles derived from acidic monomers, a feature not shown or suggested in the cited reference. In view of the above, the §102 and §103 rejections over Teshima et al '289 should be withdrawn. Such action is earnestly solicited.

Claims 1-6 and 8-12 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,204,205 (Anno et al) for the reasons given on page 6 of the Official Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the reasons which follow.

Claim 7 was not rejected on this ground. The feature of claim 7 has now been added to claim 1. The reference does not suggest adding a wax to a coating layer formed over the core particles. In view of the above, the §103 rejection over Anno et al '205 should be reconsidered and withdrawn. Such action is earnestly solicited.

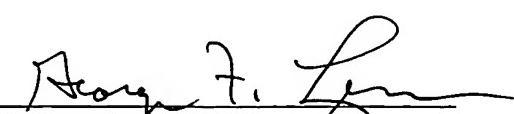
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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